

Edwin Granville Bates

Inventor of several Numbering Machines

That are at the base of the following companies:

Bates Manufacturing Company

Bates Machine Company

Bates Numbering Machine Company

Roberts Numbering Machine Company

Last update March 24 2021 - Bosj

NEXT ITEM

BATES MANUFACTURING COMPANY.

MAIN OFFICE:

Orange, New Jersey, U. S. A.

LONDON, ENG.

25 and 29 St. Swithin's Lane, E. C.

CABLE ADDRESS:

"Batesco-New York."

NEW YORK SALESROOM: 110 East 23d St.

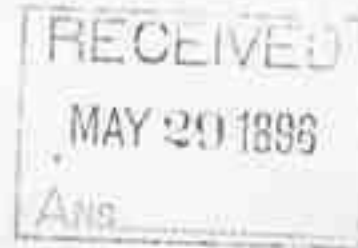
REPLYING PLEASE QUOTE

29459

THIS NUMBER.

New York, May 28th, 1896.

W. E. Gilmore Esq., President,
Bates Manufacturing Company,
Orange, N. J.



Dear Sir:-

I have just learned that Mr. E. G. Bates is conducting business under the name of the "Bates Machine Company, Brooklyn" and has issued a circular letter to all users of the Bates numbering machine, that he is fully equipped for repairing these instruments and also that he is in a position to supply new numbering machines as may be required by them.

One of these circulars was brought into this office by the Mutual Reserve Fund Life Association of this City, but the bearer would not part with it.

Mr. Bates' idea is evidently to give parties the impression that the Bates Manufacturing Company has removed to Brooklyn. Do you not think it would be advisable for us to get up a special circular letter to the effect that Mr. Bates is no longer connected with this Company and that the "Bates Machine Company" is an entirely independent organization, who have no right whatever to manufacture Bates automatic numbering machines? Please advise me respecting this matter.

Yours very truly,

BATES MANUFACTURING COMPANY,

Manager.

NEXT ITEM

BATES MANUFACTURING COMPANY.

MAIN OFFICE:

Orange, New Jersey, U. S. A.

LONDON, ENG.

28 and 29 St. Swithin's Lane, E. C.

CABLE ADDRESS:

"Batesco-New York."

NEW YORK SALESROOM: 110 East 23d St.

REPLYING PLEASE QUOTE

29474

THIS NUMBER.

RECEIVED

JUN - 1 1896

ANS

New York, May 29th, 1896.

W. E. Gilmore Esq., President,
Bates Manufacturing Company,
Orange, N. J.

Dear Sir:-

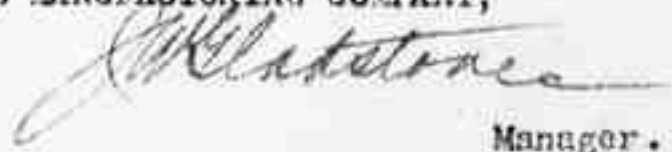
Referring to my letter of yesterdays date, respecting the postal circular which Mr. Bates is getting out, I have fortunately been able to secure one of these cards, which I enclose herewith.

You will notice that the words "Will call upon request" are in a different hand-writing to the other note on foot of card, which was written by the parties to whom the same was addressed. The words "Will call upon request", however, are, I believe, in the hand-writing of Miss Koch, a former stenographer of the Bates Manufacturing Co., who I have learned, has been working for Mr. Bates for some time past and she has evidently been writing to all our customers whose names and addresses she remembers.

This card was only sent out on May 24th and I think we should follow it at once with a circular on our part, correcting the impression that the "Bates Machine Co.," is the Bates Manufacturing Co.

Yours very truly,

BATES MANUFACTURING COMPANY,



Manager.

Enc.

Just a Card to Remind You

That if your Bates Automatic Numbering Machine has not been taken apart, properly cleaned, oiled and re-adjusted during the past year, it should receive such attention at once. The expense is small, accurate numbering is assured and the life of the machine prolonged indefinitely. Forward via express direct to our repair shops (Brooklyn, N. Y.) and it will be promptly returned (usually two or three days) practically as good as when new. Duplicate machines (new) furnished immediately. Superior ink specially prepared for these machines — Red, Blue and Black — 1 oz. bottles — $\frac{1}{2}$ and 1 lb. cans. Never use rubber stamp ink on steel figures — it rusts and destroys them. Special attention given to the repairing of numbering machines of ANY make. Reasonable charges — prompt service. Our New Platform Combined Numbering and Dating Machines printing with Brass Die, are faultless for Certifying Checks, Stamping Collections, Claims, Pay Envelopes, C. O. D. and Charge Bills, etc.

Anything and everything in the line of Numbering or Dating Machines made to order.

BATES MACHINE COMPANY

Edwin G. Bates

Will call upon request.

110 East 23 is where we receive a Postal

Bates Machine Co. 157
35 and 37 So. 5th Street
Brooklyn, N. Y.

RECEIVED

JUN - 1 1896

NEXT ITEM



American Surety Company

of New York

W. L. Frenkelman
President

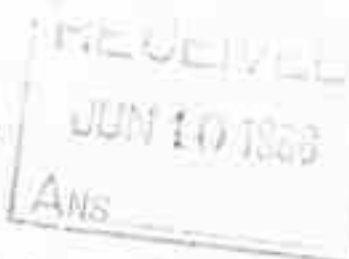
100 Broadway

New York, June 8th, 1896.

Bates Mfg. Co.,

Orange, N. J.

Gentlemen:-



I have received a printed postal card signed,-

" BATES MACHINE COMPANY.

Edwin G. Bates, "

giving their address as 35 & 37 South 5th St., Brooklyn, N.Y., and stating that they are prepared "to take apart, properly clean, oil and readjust Bates Automatic Numbering Machines."

Will you kindly advise me if you know anything about the Bates Machine Company, if they constitute a branch of your firm, and if they are proper people to whom we can intrust the cleaning and readjustment of your machines?

In this connection I beg to advise you that one of our machines does not work properly. The numbers do not stamp regularly, and when the hand is put to repeat it does not repeat as often as desired, but changes unexpectedly to the next number, thereby causing a great deal of confusion. I will ask you to be kind enough to look into this matter also and advise me.

Very respectfully,

Abel Linton

Treasurer.

NEXT ITEM

THE TROW

(FORMERLY WILSON'S)

Copartnership ^{and} Corporation

DIRECTORY

OF THE

Boroughs of Manhattan and the Bronx.

CITY OF NEW YORK

GIVING THE PARTNERS AND SPECIAL PARTNERS OF EACH FIRM; THE OFFICERS, CAPITAL AND DIRECTORS OF THE BANKS, BUSINESS AND MANUFACTURING CORPORATIONS AND INSURANCE COMPANIES, AND THE STATE UNDER WHOSE LAWS THEY WERE INCORPORATED; REGISTERED AND UNREGISTERED TRADE NAMES AND PROPRIETORS THEREOF; ALSO FOREIGN FIRMS DOING BUSINESS IN NEW YORK, WITH THE LOCATIONS OF THEIR HOME OFFICES AND THE NAMES OF THEIR NEW YORK REPRESENTATIVES OR AGENTS.

FIFTIETH YEAR

MARCH, 1902.

PUBLISHED BY

TROW DIRECTORY, PRINTING & BOOKBINDING CO.

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DIRECTORY DEPARTMENT,

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Original from
CORNELL UNIVERSITY

Bartlett, Frazier & Co. (Chicago, Ill.) (Alfred T. Martin, N. Y. manager) 223 Produce Ex. & 7 New

Bartlett, Hayward & Co. (Thomas J. Hayward & Edward L. Bartlett, only) 100 B'way

Bartmer & Korn (George A. D. Bartmer & John Korn) 59 Rutgers

Bartoli G. & Co. (Giuseppe Bartoli & Giuseppe Raffaelli) 215 E. 29th

Barton Mfg. Co. (N. Y.) (Robert Wilday, Pres.; James Wilday, Sec. Capital, \$15,000. Directors: Robert & James & Kate & Robert P. Wilday) 338 B'way

Barton & Co. (no inf.) 543 5th

Barton & Guestier (Bordeaux, France) (E. La Montagne & Sons, agents) 45 Beaver

Bartow Theo. & Sons (Maria L. Bartow & Henry P. Browning, only) 140 Nassau

Bartram F. S. & C. B. (Ferdinand S. & Charles B.) 126 William

Bartram Brothers (Joseph B. & Joseph Percy Bartram & Seth W. Fox) 62 Pearl

Bartsch Herman, Printing House (T.N.) (refused) 87 Frankfort

Baruch Hugo & Co. (Berlin, Germany) (Alexander Graus, N. Y. manager) 125 W. 37th

Baruch H. & Son (Harris & Benjamin Baruch) 15 Av. A

Barwest Coaster Brake Co. (N. J.) (Perley M. Berry, Pres.; Frank F. Weston, Sec. Capital, \$100,000; further inf. unattainable) 83 Chambers

Barwise & Son (dissolved) 83 Water

Barzellotti & Viani (Palmazio Barzellotti & Alessandro Viani) 1112 1st av.

Barzilay & Kleeblatt (David J. Barzilay & Julius Kleeblatt) 167 Wooster

Basch Brothers (Joseph & Samuel Basch) 67 Spring

Basel Coffee (R.T.N.) (Abraham Borsuk & Osher Zirinsky) 143 Division

Basha Tanuis & Son (Tanuis & Najeeb Basha) 6 Carlisle

Bashlin Valve Co. (Warren, Pa.) (Benjamin F. Freeman, N. Y. manager) 177 B'way

Baskin & Oseroff (David Baskin & Isaac Oseroff) 185 6th av.

Bass Foundry & Machine Co. (Ft. Wayne, Ind.) (represented by F. Ruel Baldwin) 141 B'way

Bass Paint Co. (N. Y.) (Albert R. Bass, Pres.; Benjamin C. Bass, Sec. Capital, \$20,000. Directors: Albert R. & Benjamin C. Bass, Allan Pendleton) 108 Fulton

Bass E. & J. (Ephraim & Jacob) 610 B'way

Bass, Ratcliff & Gretton (Ltd.) (Burton-on-Trent, Eng.) (Henry C. Langhaar, N. Y. manager) 58 Broad

Bassemir John & Son (John E. & Harry E. Bassemir) 127 Worth

Bassett George F. & Co. (Edward F. Anderson & Frederick H. Doremus, only) 49 Barclay & 52 Park pl.

Bassett Jewelry Co. (Providence, R. I.) (represented by William E. Copeland) 37 Maiden la.

Bassett Robert N., Co. (Derby, Ct.) (represented by Friend A. Russ, Pres.) 354 B'way

Bassett William A. & Co. (no inf.) 150 Nassau

Bassett Brothers (Edwin Barton Bassett & Joseph P. Bassett) 564 B'way

Bassett & Co. (Andrew L. Bassett, no Co.) Pier 29 (new) E. R.

Bassett & Sutphin (Charles F. Bassett & Joseph H. Sutphin) 45 Beekman

Bassett & Williams (Edward M. Bassett & Edward H. Williams) 135 B'way

Bassi & Mazza (dissolved) 202 Thompson

Basso & Bernieri (Bartolomeo Basso & Lorenzo Bernieri) 89 Baxter

Bastable & Carroll (Lawrence Bastable & William J. Carroll) 277 5th av.

Bastin, Merryfield & Co. (St. Gall, Switzerland) (Harry F. Barre, agent) 467 B'way

Bastine & Co. (Andrew J. & Mary E. Bastine) 19 Warren

Baszanger Jacques & Co. (London, Eng.) (Max Baszanger, agent) 108 Fulton

Bataille A. & Co. (Achille Bataille & Charles J. Herson) 587 Hudson

Batavia & N. Y. Wood Working Co. (Batavia, N. Y.) (represented by Henry J. Holmes) 101 W. 66th

Batchelder & Lincoln Co. (Boston, Mass.) (Lionel E. Levy, N. Y. manager) 127 Duane

Batcheller George C. & Co. (N. Y.) (George C. Batcheller, Pres.; Henry D. Miller, Sec. Capital, \$600,000. Directors: George C. Batcheller, Edward W. Russell, Henry D. Miller) 345 B'way

Batcheller & Adee (George E. Batcheller & George T. Adee) 45 Pine

Batcheller & Co. (Frank W. Batcheller, no Co.) 168 Hudson

Batchelor & Stenson (George T. Batchelor & Samuel Stenson) 66 W. B'way

Bateman & Miller (Charles E. Bateman & John Miller) 145 E. 23d

Bateman & Miller Co. (dissolved) 145 E. 23d

Bates C. F., Co. (N. Y.) (Charles G. Pratt, Pres.; Thomas H. Barrington, Sec.; Lewis H. Rogers, Treas. Capital, \$100,000. Directors: Charles G. Pratt, Thomas H. Barrington, Lewis H. Rogers, James E. Walsh) 215 W. End av.

Bates Charles Austin, Co. (N. Y.) (Charles Austin Bates, Pres.; Henry V. Brandenburg, Sec. Capital, \$50,000. Directors: Charles Austin Bates, Henry V. Brandenburg) 132 Nassau

Bates Louis A., Co. (N. Y.) (Louis A. Bates, Pres.; Clarence D. Bowman, Sec. Capital, \$10,000. Directors: Louis A. Bates, Clarence D. Bowman, George G. Sands) 739, 6th av.

Bates Machine Co. (engines) (Ill.) (Joseph Winterbotham, Pres.; W. O. Bates, Sec. Capital, \$500,000; further inf. unattainable) 253 B'way

Bates Machine Co. (machines) (N. J.) (Edwin G. Bates, Pres.; Charles Spielmann, Sec.; Henry C. Ware, Treas. Capital, \$100,000. Directors: J. H. Wright, John T. Underwood, Henry C. Ware, Charles Spielmann, Edwin G. Bates) 346 B'way

Bates Mfg. Co. (machines) (N. Y.) (William E. Gilmore, Pres.; John F. Randolph, Sec. Capital, \$25,000. Directors: William E. Gilmore, John F. Randolph, Samuel Insull) 135, 5th av.

Bates Mfg. Co. (sheetings) (Lewiston, Me.) (Bliss, Fabyan & Co., agents) 34 Thomas

Bates Martin jr. & Co. (Charles S. & C. Francis Bates & Lewis H. Rogers, only) 27 Washn. pl.

Bates Pub. Co. (N. Y.) (Charles Austin Bates, Pres.; Henry V. Brandenburg, Sec. Capital, \$25,000. Directors: Charles Austin Bates, Henry V. Brandenburg) 132 Nassau

Bates Realty Co. (N. Y.) (Charles A. Bates, Pres.; Henry V. Brandenburg, Sec. Capital, \$125,000. Directors: Charles A. Bates, Henry V. Brandenburg, George Ethridge) 6 Wall

Bates W. A., Mfg. Co. (consolidated with Am. Can Co., which see) 11 B'way

Bates A. J. & Co. (Andrew J. & Jerome E. Bates) 202 Church & 50 Thomas

Bates C. F. & Co. (Charles F. Bates & Isidore Grossman) 801 B'way

Bates L. L. & Co. (Boston, Mass.) (John M. Mossman, agent) 72 Maiden la.

Bates Brothers Co. (Athol, Mass.) (William Barnett, N. Y. manager) 554 B'way

Bates & Foulke (Charles S. Bates & John B. Foulke) 462 Hudson

Bates & Murray (Tacoma, Washn.) (represented by Bradford A. Bullock) 220 B'way

Bates & Rossire (dissolved) 477 Broome

Bateson & Dowd (Charles E. Bateson & Joseph Dowd) 78 Franklin

Bathgate Av. Tea & Coffee Co. (R.T.N.) (William R. Burke) E. 181st c Bathgate av.

Bathrick Mailing Co. (R.T.N.) (Lewis E. Bathrick) 25 E. 14th

Batjer & Co. (Henry Batjer, Alfred Leeb, Ferdinand Hartwig & Louis Nova) 45 B'way

Batnick & Scheffer (Benjamin Batnick & Samuel S. Scheffer) 1055 Park av.

Batoplias Mining Co. (N. Y.) (George W. Quintard, Pres.; Lyndon H. Stevens, Sec.; Hosmer B. Parsons, Treas. Capital, \$9,000,000. Directors: George W. Quintard, Hosmer B. Parsons, Louis H. Scott, Lyndon H. Stevens, N. F. Palmer, Edward V. Loew, Samuel Elliott, William F. Muttingly, Alexander R. Shepherd, George Christall, Henry E. Howland, Frederick A. Libbey, James H. Breslin) 29 B'way

Batsford & Son (dissolved) 176 B'way

Batt Simon & Co. (Simon Batt, no Co.) 47 Murray

Batt, Gunst & Esberg (dissolved) 47 Murray

Battalia Leo H. & Co. (no inf.) Park av. n E. 130th

Battelle & Renwick (N. Y.) (John G. Steenken, Pres.; William J. Bennett, Sec.; E. J. Brockett, Treas. Capital, \$250,000. Directors: William J. Bennett, John C. Steenken, E. J. Brockett, William C. Renwick, G. W. Steenken) 163 Front

Battelle, Hurd & Co. (Eugene Battelle & Charles R. Hurd, no Co.) 55 Worth

Battelli & Cannava (Antonio Battelli & John Cannava) 234 Washn.

Batten George & Co. (George Batten & William H. Johns) 38 Park row

Batten, Harrison & McMaster (Joseph Z. Batten, Joseph D. Harrison & Charles A. McMaster) 51 Franklin

NEXT ITEM

In 1904 *Knott* and the Defendant entered into a partnership for the purpose of acting as agents for the *Bates Machine Company* in respect of its products in this country. The terms of the agency are contained in a letter dated the 1st of September, 1904, addressed to Mr. *Bates*, the president of the *Bates Machine*
30 *Company* of New York, and signed by Mr. *Knott* and the Defendant. The letter is to be found on page 10 of the agreed bundle of correspondence. The agency

NEXT ITEM

THE TROW

(FORMERLY WILSON'S)

LAW DEPARTMENT

NEW YORK.

Copartnership *and* Corporation

DIRECTORY

OF THE

Boroughs of Manhattan and the Bronx

CITY OF NEW YORK

GIVING THE PARTNERS AND SPECIAL PARTNERS OF EACH FIRM; THE OFFICERS, CAPITAL AND DIRECTORS OF THE BANKS, BUSINESS AND MANUFACTURING CORPORATIONS AND INSURANCE COMPANIES, AND THE STATE UNDER WHOSE LAWS THEY WERE INCORPORATED; REGISTERED AND UNREGISTERED TRADE NAMES AND PROPRIETORS THEREOF; ALSO FOREIGN FIRMS DOING BUSINESS IN NEW YORK, WITH THE LOCATIONS OF THEIR HOME OFFICES AND THE NAMES OF THEIR NEW YORK REPRESENTATIVES OR AGENTS.

FIFTY-SECOND YEAR

MARCH, 1904.

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DIRECTORY DEPARTMENT,

89 Third Avenue, Borough of Manhattan, City of New York.

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WITH MONTHLY SUPPLEMENT, \$10.00.

tors: George W. Quintard, Edward V. Loew, Enrique C. Creel, Hosmer B. Parsons, N. F. Palmer, George Christall, Henry E. Howland, Samuel Elliott, William F. Mattingly, Louis H. Scott, James H. Breslin, Lyndon H. Stevens, A. R. Shepherd Jr.) 45 B'way
Battchari & Co. (no inf.) 50 B'way
Batt Simon & Co. (Simon Batt, no Co.) 47 Murray
Battelle & Renwick (N. Y.) (John G. Steenken, Pres.; William J. Bennett, Sec.; Edward J. Brockett, Treas. Capital, \$250,000. Directors: William J. Bennett, John G. & G. W. Steenken, Edward J. Brockett, William C. Renwick) 163 Front
Battelle, Hurd & Co. (Eugene Battelle & Charles R. Hurd, no Co.) 53 Worth
Battelli & Cannava (Angelo Batelli & Giovanni Cannava) 232 Washn.
Batten George & Co. (George Batten, William H. Johns & Roger T. Dodd) 38 Park row
Batten, Gross & Co. (Joseph Z. Batten, Frank Gross, Joseph D. Harrison & James L. Thayer) 22 White
Batterman & Seggie (Christopher H. Batterman & William Seggie Jr.) 2038 Amsterdam av.
Batterson & Elsele (N. Y.) (John Elsele, Pres.; Henry R. Wright, Treas.; Lucien P. Druck, Sec. Capital, \$200,000. Directors: John Elsele, James G. Batterson, W. B. Beach, Henry R. Wright, Lucien P. Druck) 431, 11th av.
Battery Place Realty Co. (N. Y.) (William H. Chesebrough, Pres.; John M. Stoddard, Sec.; Oakleigh Thorne, Treas. Capital, \$850,000. Directors: William H. & Robert A. Chesebrough, Oakleigh Thorne, William G. Park, John M. Stoddard, George P. Messervy, G. Howard Davison) 135 B'way
Battey W. J. & Co. (William J. Battey, Frank T. Trull & Thomas L. Foulkes) 72 Leonard
Battle W. W. & Co. (William W. Battle, no Co.) Produce Ex. E 4
Battin & Co. (John D. Battin, no Co.) 33 Union sq. W.
Battinelli & Campolongo (Aniello Battinelli & Giuseppe Campolongo) 8 Spring
Battista Brothers (Domenico Battista, only) 409 W. 42d
Battista & Inglima (Vincenzo Battista & Gaetano Inglima) 62 Av. A
Battle P. & Co. (Pablo Battle & Caesar A. Baranco) 192 Water
Battles, Heye & Harrison (Frank Battles, George G. Heye & Hugh H. Harrison) 52 B'way
Bauchelle Mfg. Co. (N. J.) (John M. Bauchelle, Pres.; William M. Bauchelle, Sec. Capital, \$100,000. Directors: John M. & William M. Bauchelle, Jasper C. Winn) 76 Park pl.
Bauden Co. (N. Y.) (Capital, \$250,000. Directors: John J. Bannigan, Bertis L. Arbream; further inf. unattainable) no address
Bauendahl H. & Co. (Alfred Roelker & Anthony D. Holmes—special partners, Marie Wachs & Thekla Kerler, Karlsruhe, Germany & Ferdinand Koch, Cologne, Germany, each, \$50,000; terminates 31st Dec., 1908) 61 Worth
Bauer Michael (Michael Kaesbauer, only) 2079, 8th av.
Bauer Philip & Co. (Hamburg, Germany) (P. R. Dreyer Co., agents) 68 Broad
Bauer H. J. & Co. (Henry J. & John M. Bauer) 677 Melrose av.
Bauer Brothers (Charles & Jacob Bauer) 1489 Park av.
Bauer & Black (Chicago, Ill.) (Hial S. Edgerly, N. Y. manager) 67 Fulton
Bauer & Doctor (Charles G. Bauer & Louis Doctor) 247 Bowery
Bauer Brothers & Co. (San Francisco, Cal.) (William G. Happy, agent) 43 Leonard
Bauer's Charles, Son & Co. (Phila., Pa.) (Francis X. O'Donnell, agent) 621 B'way
Bauer's Exchange (R.T.N.) (Merigold & Benedict) 33 Union sq. W.
Bauerdorf & Wollins (dissolved) 373 B'way
Bauerman-Weller Co. (dissolved) 823, 6th av.
Bauersfeld Brothers (Max & Paul Bauersfeld) 207 Lewis
Baum Mike & Co. (Mike Baum & Michael Schiff) 20 Waverley pl.
Baum L. & Co. (Leopold Baum & Isaac Neuhauser) 310 Church
Baum L. & D. (Lemuel & David) 987 Madison av.
Baum M. J. & Co. (Oklahoma, O. Ter.) (David R. Heine, N. Y. manager) 74 Grand
Baum Brothers (pawnbrokers) (Jacob & Herman Baum) 186 Bowery
Baum Brothers (real estate) (Lemuel & David Baum) 8 Chrystie
Baum & Medicus (Harry H. Baum & Jacob J. Medicus) 119 Fulton

Batavia Carriage Wheel Co. (no inf.) 50 B'way
Batavia & N. Y. Wood Working Co. (Batavia, N. Y.) (represented by Frank S. Bosworth) 949 B'way
Batchelder & Lincoln Co. (Boston, Mass.) (Joseph L. Hitz, N. Y. manager) 127 Duane
Batcheller George C. & Co. (N. Y.) (George C. Batcheller, Pres.; Henry D. Miller, Sec. Capital, \$600,000. Directors: George C. Batcheller, Edward W. Russell, Henry D. Miller) 345 B'way
Batcheller Importing Co. (R.T.N.) (George C. Batcheller, Edward W. Russell & Carlton S. Welch) 343 B'way
Batcheller Pneumatic Tube Co. (W. Va.) (John E. Milholland, Pres.; George J. Murray, Sec. Capital, \$2,000,000. Directors: John E. Milholland, J. F. Montignani, C. T. Horrop, B. C. Batcheller, William J. Kelly) 52 B'way
Batcheller & Adee (George E. Batcheller & George T. Adee) 45 Pine
Batchelor W. A. & Co. (dissolved) 29 W. 8th
Bateman & Miller (Charles E. Bateman & John Miller) 145 E. 23d
Bates Advertising Co. (N. Y.) (Charles Austin Bates, Pres.; Converse D. Marsh, Sec. Capital, \$500,000. Directors: Charles Austin Bates, Henry V. Brandenburg, Converse D. Marsh, Royal S. Woods) 182 William
Bates C. F., Co. (N. Y.) (Thomas H. Barrington, Pres.; Lewis H. Rogers, Treas. Capital, \$100,000. Directors: Thomas H. Barrington, Lewis H. Rogers, James E. Walsh, James Burns) 215 W. End av.
Bates Louis A., Co. (R.T.N.) (John W. Ferrier) 739, 6th av.
Bates M. (Richard H. Thierfeldt, only) 140 W. 23d
Bates Machine Co. (engines) (Joliet, Ill.) (Armstrong Engineering Co., 150 Nassau & A. D. Granger Co., 95 Liberty, agents)
Bates Machine Co. (machines) (N. J.) (Edwin G. Bates, Pres.; Benjamin B. Conrad, Sec.; Henry C. Ware, Treas. Capital, \$100,000. Directors: Edwin G. Bates, Benjamin B. Conrad, Henry C. Ware, John T. Underwood, J. H. Wright) 346 B'way
Bates Mfg. Co. (machines) (N. Y.) (William E. Gilmore, Pres.; John F. Randolph, Sec. Capital, \$25,000. Directors: William E. Gilmore, John F. Randolph, Samuel Insull) 83 Chambers
Bates Mfg. Co. (sheetings) (Lewiston, Me.) (Bliss, Fabyan & Co., agents) 34 Thomas
Bates Martin Jr. & Co. (Charles S. & C. Francis Bates & Lewis H. Rogers, only) 25 Washn. pl.
Bates Realty Co. (N. Y.) (Charles A. Bates, Pres.; Henry V. Brandenburg, Sec. Capital, \$125,000. Directors: Charles A. Bates, Henry V. Brandenburg, S. M. Crombie) 6 Wall
Bates A. J. & Co. (Andrew J. & Jerome E. Bates) 202 Church & 50 Thomas
Bates C. F. & Co. (Charles F. Bates & Isidor Grossman) 805 B'way
Bates L. L. & Co. (Boston, Mass.) (John M. Mossman, agent) 72 Maiden la.
Bates Brothers Co. (Athol, Mass.) (William Barnett, N. Y. manager) 621 B'way
Bates & Bacon (Attleboro, Mass.) (represented by Henry R. Middlebrook) 11 Maiden la.
Bates & Beattie (dissolved) 45 Liberty
Bates-Arnold Co. (N. Y.) (Capital, \$1,000. Directors: B. B. Bates, F. G. Arnold, O. Toffer, further inf. unattainable) no address
Bateson & Dowd (Charles E. Bateson & Joseph Dowd) 78 Franklin
Bathgate Av. Tea & Coffee Co. (dissolved) 2153 Bathgate av.
Bathrick Mailing Co. (R.T.N.) (Bertha C. Bathrick) 3 W. 13th & 25 E. 14th
Batjer & Co. (Henry Batjer, Alfred Leeb & Louis Nova) 45 B'way
Batnick & Scheffer (Benjamin Batnick & Samuel S. Scheffer) 1055 Park av.
Batopilas Mining Co. (N. Y.) (George W. Quintard, Pres.; Lyndon H. Stevens, Sec.; Hosmer B. Parsons, Treas. Capital, \$9,000,000. Direc-

NEXT ITEM

WESTERN E

EVERY SATU

VOLUME

Nu

July 7—F

ELECTR

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Original from
UNIVERSITY OF ILLINOIS AT
URBANA-CHAMPAIGN

Series Alternating-current System of Arc Lighting.

The Fort Wayne Electric Work has recently developed a complete system of series arc-lighting circuits which may be readily operated upon a constant-potential supply. Although the many advantages of the alternating-current system for series arc lighting are well known, and although systems of this nature have been in operation for some time, the further advantages of a simple system which requires but slight attention, and which is sufficiently flexible to operate in parallel with an incandescent system if desired, will at once be manifest. The system here described consists of a regulator for maintaining a constant current, a specially designed high-tension switchboard, a constant-

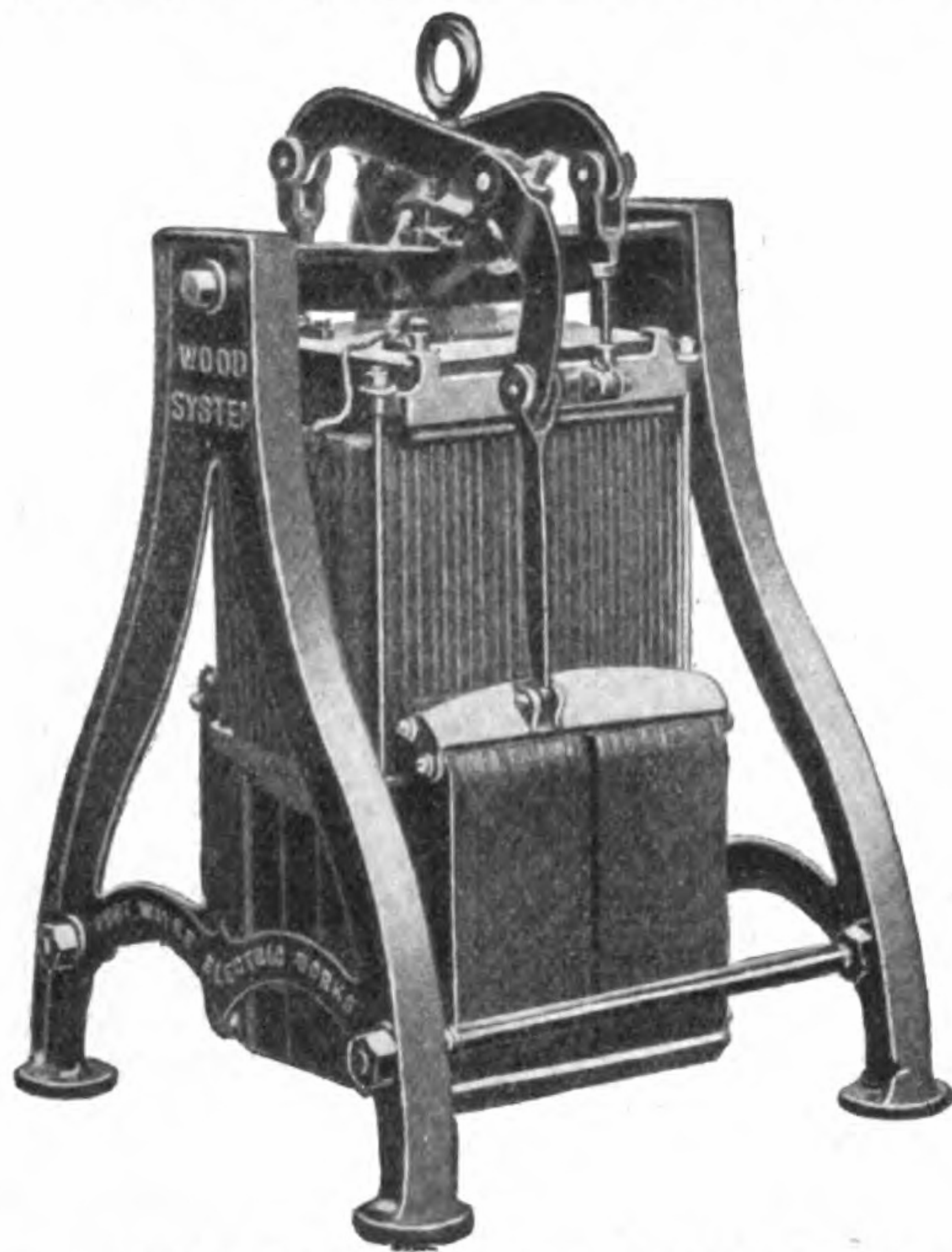


FIG. 1. REGULATOR FOR SERIES ALTERNATING-CURRENT ARC SYSTEM.

potential transformer and a series of arc lamps. In addition, both sides of the line are equipped with a lightning arrester peculiarly adapted to circuits of this nature.

Fig. 1 represents the type SA regulator which has been designed for this system. Its operation depends upon the automatic introduction of impedance into the lamp circuit whenever any decrease in the resistance of the latter would tend to cause an excessive current to flow therein. This impedance is introduced by the combined movements of a laminated iron core and impedance coil into such a position as to cause a greater magnetic flux to be cut by the current in the coils. This increase in the amount of flux cut by the line current produces a choking effect, reducing the latter to its normal value. If, for any reason, the line current be decreased, the exact opposite effect takes place within the regulator, and the current is automatically increased to its normal value.

The mechanical parts of the regulator are so well counterbalanced that the motion of the heavy core is small as compared with that of the coil. This reduces the inertia and guarantees an immediate and more sensitive adjustment of the current. This design also permits the core and the coils to counterbalance each other, and does away with the use of the counterweight, thereby simplifying the design and reducing the necessary attendance.

The regulator, being very compact in form, requires a floor space of but 22 by 28 inches in the 75-light capacity, and may be located upon the floor of the power station in any convenient position. No attention is required at the regulator, the starting operation being entirely controlled from the switchboard specially designed for this purpose.

The switchboard furnished with this system consists of a single panel of blue Vermont marble, equipped with ammeter, reactance, fuses, and all necessary switches for the starting and operation of the system. It can be furnished with or without a wattmeter sub-base equipped with an integrating wattmeter.

By reference to Fig. 2, the peculiar design will be noted, by means of which the system may be quickly started from the switchboard without paying any attention to the regulator and without causing any excessive rush of current through either the regulator or the lamps in so doing. The ability to thus start without any disturbance upon the line is one of the greatest advantages of the Fort Wayne system.

The starting switch, which is located in the center of the panel, should always be closed last. In the closing of this switch three separate stages exist, as follows:

At the first stage in the closing of the switch, a reactance, which is mounted upon the back of the switchboard, is introduced into the regulator circuit, so that no rush of current will take place when the regulator is thrown upon the line. If it were not for the introduction of this reactance, the reg-

ulator, which is in its no-load position, introducing but very little impedance in the circuit, would permit an excessive current to flow. With the introduction of the reactance, however, the current is choked down to its normal value until the regulator comes to its full-load position, in which position it introduces a sufficient impedance of its own to reduce the current to its normal value.

The second stage in the closing of the starting switch short-circuits the reactance, thus throwing the regulator, which has now reached its full-load position, directly across the constant-potential bus bars. During both these stages the line leading to the arc lamps is short-circuited.

When the starting switch is entirely closed the short-circuit across the line, which previously existed, is removed, thus permitting the line of arc lamps to operate in series with the regulator upon normal current. By thus connecting the lamps into the circuit after normal current has already been maintained, no disturbance is caused in the mechanism of the lamps.

Although the systems for 12 and 25 lights will operate satisfactorily without the use of a constant-potential transformer upon circuits of 1,100 and 2,200 volts, respectively, it is advisable to use a transformer in all cases, although it may be of a one to one ratio, introduced merely for insulation purposes. This is especially desirable where both arc and incandescent systems are operated from one set of bus-bars, in order to entirely insulate the arc system from that which supplies the incandescent lamps.

The constant-potential transformer supplied with this system may step up or step down the bus-bar voltage, or may in some cases maintain the same voltage upon both primary and secondary in cases where it is introduced for insulation purposes only. The secondary of this transformer is provided with a number of taps, by the use of which the output of the station may be varied as more arc lamps are needed upon the circuit, maintaining at all times practically full-load efficiency and power factor. The advantage of this will be at once apparent. If a regulator and transformer be purchased of sufficient capacity to meet the needs of a growing system, the latter may be connected at first, so as to supply only a small portion of its total output, and, as the number of arc lamps increases, the taps upon the transformer may be so connected as to meet this demand with no further cost of installation. This may be done with practically no sacrifice of efficiency when operating the circuits of small capacity. The alternating-current series arc lamps which

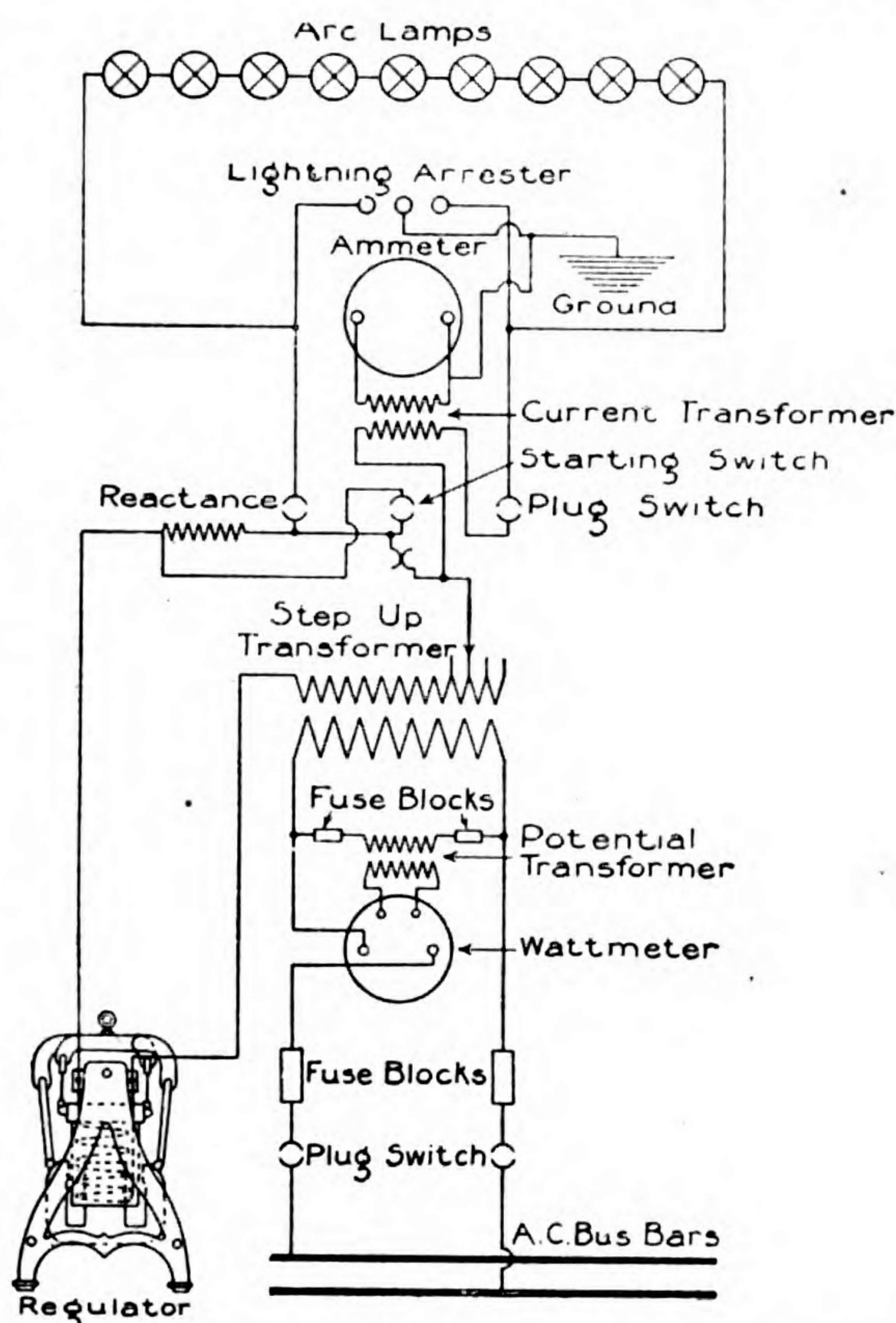


FIG. 2. DIAGRAM OF CONNECTIONS OF SERIES ALTERNATING-CURRENT ARC SYSTEM.

have been designed to operate in connection with this system are of the same high grade and long life which is characteristic of the direct-current product. They will be found to operate with extremely low temperatures for periods of time up to 125 hours with but one trimming, when adjusted for normal current of 6.6 amperes.

The disadvantages which so often occur in alternating-current arc lamps have been reduced to a minimum in this design, great care being taken to prevent vibration and the consequent hum which frequently exists in lamps operated upon alternating-current circuits.

The system has been designed for either 60 or 140 cycles and has been found to operate with entire satisfaction upon both of these frequencies.

The 140-cycle lamp has been especially designed for high-frequency service and cannot be operated upon a 60-cycle circuit. Although the use of the 60-cycle system is advised wherever possible, owing to the fact that it is at present the tendency for central stations to reduce the frequency of their systems, the central-station managers who already have 140-cycle circuits in use will find that this system will operate with satisfaction. Bulletin No. 1070, issued by the Fort Wayne company, explains the installation and operation of the entire system in detail.

New Automatic Numbering Machine.

The new automatic number machine illustrated herewith embodies the highest achievements in the art of numbering-machine construction. In its design there have been many departures from the usual plan. Originality marks its conception, and ingenuity of no mean order is responsible for its development.

Wherever the numerical system of records is employed, a hand-numbering machine becomes an absolute necessity, and in most instances several of them are found to be very desirable.



123456

FAC SIMILE IMPRESSION

NEW AUTOMATIC NUMBERING MACHINE.

Instead of the customary iron or brass frames and brass cases, all metal parts in this machine are made of steel, contributing rigidity and strength with minimum weight. The device is produced upon the American system of interchangeability, in large quantities, by an expensive plant of special tools and machinery.

It is only necessary to move the indicator until the word representing the class of numbering desired appears in the window of the front plate. When set, "consecutive" the number advances from 1 to 999,999, changing all the wheels automatically. When set "duplicate" each number is printed twice and is then advanced consecutively. When set "repeat" the automatic mechanism is detached and the number is repeated continuously.

Only the standard size and style of figures shown under the illustration are furnished in the stock machines. These are deeply cut and finely engraved and proportioned. Being well spaced, they are absolutely legible, and will be found large enough for practically all purposes while condensed to occupy but a small space. Other styles and sizes will be made to order at an extra charge.

The wheels and ratchets are divided into equal tenths, thus assuring accuracy of movement. "Drop-ciphers," with their springs and pins, have been eliminated and the wheels themselves are made depressible to provide the necessary spaces preceding the unit wheel.

The plunger, which is made of Bessemer steel, is shielded from view when in its normal position, and will never present the unsightly appearance of the oiled brass plunger with the nickel partly peeled off, nor will the hands be soiled by contact with it. All machines of this model are made with six wheels with a numerical capacity from 1 to 999,999, and may be reset to commence at any desired number.

The frame is substantial, being made of drawn steel, one-fourth inch thick, and is beautifully finished and blued. Weighing only 14 ounces, it is capable of being operated noiselessly and with remarkable speed and accuracy.

The figures are automatically inked before each impression, from a thick felt pad. The pad-holder may be instantly removed from the machine for re-inking. An accurate gauge plate assures printing precisely upon a line.

This machine is made under the latest patents of Edwin G. Bates, and is manufactured by the Bates Machine Company, with general offices located at 346 Broadway, New York, and branches at 315 Dearborn Street, Chicago, 63 and 64 Chancery Lane, London, W. C., and 2 Cooper Street, Manchester, England.

NEXT ITEM

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FIFTY-FOURTH YEAR

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NEXT ITEM

regarded as the equivalent of the refractory ring arrangement described in the Heald patent, inasmuch as such feature was old. Upon this point, as already intimated, the Von Buch patent says that "rings of wire, of platinum, irridium, asbestos, or other refractory material, are useful to sew or thread incandescent mantles. The practicability of such use cannot safely be disputed. The foregoing reasons constrain me to hold that the claims in suit are entitled to a narrow construction and that infringement by the defendant is not established by the proofs.

The bill is dismissed, with costs.

BATES MACH. CO. v. WM. A. FORCE & CO.

(Circuit Court, S. D. New York. April 17, 1906.)

PATENTS—INFRINGEMENT—NUMBERING MACHINES.

The Bates patent, No. 721,276, for a typographic numbering machine, claims 13, 14, and 15, which relate to a drop-cipher device, were not anticipated, and disclose invention, but are for mere improvements on machines in the prior art, and come within the rule that one who selects and combines elements from the inventions of others into a new structure, adapted to accomplish the old result, is entitled to a patent only for his own particular form of adaptation, and hence are not entitled to the benefit of the doctrine of equivalents. As so limited, *held* not infringed.

In Equity. On final hearing.

Alfred B. Carhart, for complainant.

William E. Warland, for defendant.

HAZEL, District Judge. The patent in suit, No. 721,276, granted February 24, 1903, to Edwin G. Bates, assignor to complainant, relates to typographic numbering machines designed for inclosure in the ordinary printer's chase or frame. The machines are automatic, and are provided with devices known as "drop-cipher blocks," arranged to avoid printing nonsignificant ciphers to the left of a given number. Complainant alleges infringement of claims 13, 14, and 15, which refer to this drop-cipher device, and involve a movable block or wheel section, engraved on its printing face with the cipher character, and forming part of the periphery of the printing wheel, but being loosely seated in a recess of the wheel, so that it can be readily depressed within the wheel and held below the printing plane when desired. Machines for automatic number printing were old, and the drop-cipher feature was first disclosed in 1875 in patent No. 166,681, to Bowman. This patent shows a printing wheel having an opening extending from the shaft to the periphery of the wheel, with a sliding cipher block therein, which, according to the drawing, was constructed to move radially from the center to the periphery of the wheel. In patent No. 521,000, of June 5, 1894, to Reinhardt, is described a drop-cipher having projections at the side to enable movement inward and outward. This construction was subsequently improved by Reinhardt in patent No. 561,946, dated June 6, 1896. This patent shows a cipher block in a recess of the numbering wheel, which

may be depressed from the rim of the wheel, and having undercut guiding bevels, the recess having the corresponding co-operating bevels at its outer end, much like the bevels mentioned in claim 13 of the patent in suit. It is thought this patent would anticipate the claims in suit were it not that the cipher block is pivoted, and therefore unable to move laterally, but being confined to radial movements from the shaft to the plane of the wheel. The patent to Reinhardt, No. 692,072, granted January 28, 1902, shows a loose movable drop-cipher, although it lacks the lateral movements of complainant's cipher block. In the patent to F. W. Wicht, No. 391,289, dated October 16, 1888, a movable drop-cipher is described, moving in a recess from the periphery of the wheel to the shaft hole thereof. The drawings and specifications show a cam groove extending lengthwise, with which the drop-cipher, provided with a rim at its inner end, co-operates, and is intermittently enabled to move to the printing plane and to recede therefrom. This patent also discloses projections and a notch, which operate as a shoulder, and arrest the cipher block in accurate printing position. A more particular consideration of the Bates improvement is now necessary. The novelty of the involved claims is not controverted. They read as follows:

"(13) A printing-wheel having a recess, and a non-pivoted drop-cipher block therein disconnected from the body of the wheel, and being loose in the recess, adapted to move toward and from the periphery of the wheel, and also to move slightly sidewise in the plane of the wheel in the recess, said wheel having undercut guiding-bevels, and said block having corresponding co-operating bevels at its outer side, whereby, as the block is moved outwardly in the recess, it is accurately guided forward or backward into position as necessary, and arrested by said bevels.

"(14) A printing-wheel having a recess, and a non-pivoted drop-cipher block therein disconnected from the body of the wheel, and held in the recess loosely, whereby it can move to and from the periphery of the wheel in the recess, and can move slightly sidewise in the plane of the wheel, and shoulders for arresting the block in exact printing position.

"(15) A printing-wheel having a recess, a floating drop-cipher block in the recess, and shoulders for guiding the block into position and arresting it."

Complainant claims that by the Bates improvement a radical departure from the known constructions was made, in that sliding or pivotal connections were avoided, thus allowing the cipher block to work with entire freedom in the opening of the wheel, without bearings or guides, and that it has overcome the difficulties experienced with machines having close-fitting drop-cipher blocks arising from the blocks becoming clogged with printer's ink and dirt, and inability to clean the same without removal of many small parts, which would entail loss of time and labor. True, the prior art discloses movable drop-ciphers closely fitted in a recess, but the pivoted drop-cipher of Reinhardt is open in construction, and suggests a freedom of play of the drop block by an abandonment of the pivoting arrangement.

Now, what was the achievement of Bates? The field is limited, and by reason thereof the claims must be confined to the specific construction described. The patentee's departure from the prior art is unquestionably confined to nonpivoted drop-cipher block loosely

seated in the recess of the wheel, which recess extends from the periphery of the wheel. By his arrangement the drop-cipher is enabled to move in the recess laterally and toward and from the printing plane of the wheel; the movements apparently being controlled by beveled shoulders or points of support. The open construction of the device facilitates cleaning of the parts, and obviates some delay in cleaning the machine from accumulated dirt and ink. The improvement, however, was in an existing and commonly known art, and, the claims being entitled to a narrow construction only, the doctrine of equivalents has no application. The cipher block of the alleged infringing device has on the left-hand side a lug or projection fitting in a small recess or opening on the left-hand side of the cipher opening of the wheel, to prevent the block from falling out of the wheel. Defendant's structure is apparently an alteration or an improvement of the Wicht patent of 1888. In the latter structure the opening is on the right-hand side of the cipher block, and the lug or projection is on the wheel, while in defendant's device the lug or projection is on the left-hand side of the block, and the recess in the wheel. On the other hand, in complainant's structure the drop-cipher is retained in the wheel by the bevels or shoulders specifically mentioned in the claims set out. The right-hand side of defendant's cipher block has a straight side fitting against a corresponding straight side in the opening of the wheel. The principle of the Wicht patent and that of defendant is similar, the chief difference being that in defendant's the cipher block is cut away more at its lower end, thus giving increased space for the play of the cipher block. Complainant contends that the straight right-hand side of defendant's block and the lug on the left-hand edge of the cipher block co-operating with the notch at the opening in the wheel in defendant's device form the mechanical equivalent of the bevels or shoulders called for by the claims in question. The complainant, however, as before indicated, was not a pioneer, and therefore, giving consideration to the patents of the prior art, must be restricted to the precise form described. An inspection of the file wrapper and contents of the Bates patent, together with the subsequent patent granted to Wicht & Spielmann, No. 739,369, dated September 22, 1903, the device claimed to be used by defendant, confirms this impression. It is a general rule that "one who selects and combines elements from the inventions of others into a new structure, adapted to accomplish the old result, is entitled to a patent only for his own particular form of adaptation." *Loew Supply Co. v. Fred Miller Brewing Co.* (C. C. A.) 138 Fed. 886. The departure of complainant, though an improvement, did not achieve new patentable results, and accordingly the principle applies that:

"When two inventors have each adapted the substantial features or elements of an earlier invention, making, respectively, but slight changes in or improvements upon the earlier device, each will be limited to his own specific form of device; and, if there are differences therein, neither device will be held to be an infringement of the other."

Sander v. Rose et al., 121 Fed. 835, 58 C. C. A. 171; *Boyd v. Janesville Hay Tool Co.*, 158 U. S. 260, 15 Sup. Ct. 837, 39 L. Ed. 973;

Cons. Store Service Co. v. Siegel-Cooper Co., 107 Fed. 716, 46 C. C. A. 599.

The defense that the device in question was invented by one Wicht, a former employé of the complainant, and not by the patentee, is not sustained by the evidence. On the contrary, the proofs indicate that the patentee was the original inventor, as claimed in the bill. The other defenses advanced need not be given consideration.

In accordance herewith, the drop-cipher device described in the claims in controversy is held valid and not anticipated, and, as construed, is not infringed by the device of defendant. The bill is dismissed with costs.

BATES MACH. CO. v. WM. A. FORCE & CO.

(Circuit Court, S. D. New York. April 17, 1906.)

PATENTS—INFRINGEMENT—NUMBERING MACHINE.

The Bates patent, No. 676,084, for a numbering machine, while not for a pioneer invention, covers patentable improvements which overcame objections to the machines of the prior art, and entitle its claims to a reasonably broad construction and range of equivalents. As so construed, claims 2 and 22 held infringed.

In Equity.

Alfred B. Carhart, for complainant.

William E. Warland, for defendant.

HAZEL, District Judge. The bill seeks to restrain the alleged infringement of letters patent No. 676,084, dated June 11, 1901, issued to Edwin G. Bates, complainant's assignor. The invention relates to automatic type high numbering machines, which ordinarily comprise a rectangular metal box, containing a horizontal shaft, number-printing wheels, and a swinging pawl frame, to operate the numbering wheels, and a so-styled "plunger" device. The latter is located at one end of the frame, and constitutes means for actuating the wheel operating pawls. The combined elements are designed to be locked in a printer's chase or form. The principal defenses interposed are want of invention, noninfringement, and that the patentee was not the real inventor. Claims 2 and 22, the bases of the action, read as follows:

"(2) The combination, in a numbering machine, of a frame, an axis, number-wheels, ratchets, a stepped pawl, a pawl-carrying plate having arms with bearings on said axis, one of the arms having gear-teeth, a plate, a spring normally holding the plate out of the printing-plane, and adapted to be compressed by the act of printing, pins for guiding said plate, and a projecting arm on said plate, with teeth engaging said gear-teeth, as set forth."

"(22) The combination of a numbering-machine frame, a plate, 11, extending across the machine at right angles to its axis, said plate having an extending arm with rack-teeth, an arm with gear-teeth meshing with the rack, a plurality of guide-pins for plate 11, near opposite ends thereof, and a single spring, serving to raise said plate."

The plate of the plunger device, as shown in the drawings, has a rigid overhanging arm, which connects directly with the actuating

pawl swing. The chief improvement of the claims is shown to be this overhanging arm, which permits direct connection with the actuating pawl swing, and enables instant removal and reassembling of the plunger without displacing any screws or end plate of the machine. The early numbering machines necessitated the removal of a screw or screws, and in some instances an end plate of the machine, before the plunger could be removed. This operation required a certain amount of mechanical skill, entailed loss of time in cleansing, and was apt to result in rendering the machine inoperative. Bates undertook to overcome these objections, and to provide a simple and efficient device, capable of instant removal, constructed of few parts, and one which reduced delay in cleansing to a minimum. To this end he devised a vertically moving plunger with a rigid projecting arm, having geared teeth at the end thereof, which meshed with geared teeth of the swinging pawl frame when the plunger plate was depressed by the movements of the printing machine, and imparted to the pawl frame a forward and rearward motion, causing the pawls to co-act with the teeth of the ratchet wheels, and thus rotate the printing machine. The patent is not for a pioneer invention, as numbering machines in form much like that in suit were known to the art. Defendant contends that the structures of the prior art, if they do not wholly negative novelty in the Bates device, limit it to the identical form described. In considering the prior art, it is not deemed necessary to discuss at length the numerous patents in evidence. It is sufficient to note that the indicated elements are found in other known combinations, of which the several patents to Reinhardt and the patents to Sanders are a fair type. Bates, however, simplified the art, as has been indicated, by suitably arranging direct connection between his plunger and the swinging pawl frame in such manner as to easily operate the actuating means, and make the plunger instantly removable for cleansing, and easy to restore for a continuance of the printing operation. To accomplish his object he departed from the constructions of the prior art, which disclosed and utilized, among other forms, a pin projecting into the pawl frame through a mortise in the side wall between the plunger and pawl swing. Complainant claims, and the elicited facts support such claim, that the new conception and combination of the claims in suit includes the following elements:

"A transverse plate held above the plane of printing over the end of the frame, guided and prevented from turning by vertical pins projecting downwardly into vertical sockets, together with a strong nonbreaking spring, located centrally under the point of printing contact, the plate having a rigid overhanging arm bridging the intervening wall of the frame to rock the pawl-swing by the direct meshing of the face of the pawl-swing with the vertically moving rigid plunger-arm, without the intervention of levers, and without passing through the wall of the frame."

The prior art does not show a device having a plate with guide-pins, a central spring underneath, and a rigid overhanging arm, with meshing teeth at the end thereof. This feature of the Bates construction was new, and in connection with the elements above quoted from complainant's brief apparently performs a new and beneficial

result. The earlier machine discloses a plunger, consisting of a solid piece of metal, held in vertical position by an end plate screwed to the metal box or frame. Although a spring or springs was contained in the plunger of some of the earlier devices, yet they lack the central spring, guide-pins, and guide sockets of complainant's invention, and accordingly were unable to achieve the result of the patent in controversy.

The serious issue presented is whether or not defendant's structure may be properly included within the scope of the claims. In view of the prior art, the Bates invention is not strictly in the class of patents calling for a wide range of equivalents, but the original changes and alterations in the plunger device, which resulted in a meritorious apparatus, entitles the patentee to a reasonable construction of his claims; especially as the important objections to complete success in prior machines were overcome by the improvement. The evidence shows that the invention was generally recognized as useful and beneficial, and the business of the inventor was enhanced thereby. Does the structure of the defendant embody the essential elements of complainant's invention? After carefully examining the Reinhardt and such other machines as are claimed by defendant to narrow the scope of the claims, the testimony and structure of defendant, I have concluded that the patent should not be as strictly construed as defendant contends. Defendant achieves the result of the Bates invention by the employment of a combination of substantially similar elements, although an apparent attempt is made to differentiate the same. The exhibit Force machine, model 13, No. 1,541, in addition to the elements that were admittedly familiar to the art, shows a rigid projecting arm on the plunger, with a pin engaging a slot in one of the arms of the pawl-carrying plate, and accordingly comes within the language of claim 2. Complainant's expert claims that defendant's slot in one of the arms of the pawl-carrying plate and pin on the plunger which engages such arm are the equivalents of the gear-teeth in complainant's swinging frame and projecting arm. This interpretation I conceive to be a correct comparison of the involved structures. The essential elements of claim 22 are the "plate, 11, extending across the machine at right angles to its axis, * * * a plurality of guide-pins for plate 11, near opposite ends thereof, and a single spring, serving to raise said plate." In the Force machine the plate is shorter than that of the Bates construction, although it extends across the machine, and is guided by a pin and an arm which fits into a vertical slot near the plunger, and which is claimed by complainant to functionally operate an additional guide-pin. Whether such device has a single guide-pin or a plurality of guide-pins is not thought important in view of the result attained. Defendant's plunger is readily detached from the machine by means of a bolt in the top end of the frame, which enters a slot in the stem of the plunger, and enables instant removal of the plunger without displacement of screws or end plate of the machine.

The next defense is that one Speilman, a former employé of complainant, was the original inventor of the device in question. The

proofs upon this point are not persuasive of the correctness of the asserted claim. The testimony of the patentee that he prepared the original sketches and drawings and directed and supervised the construction is clear and convincing.

A liberal view of this invention is not taken without some hesitation, but, in view of the strength and simplicity of the device, which evidently has overcome prior difficulties in the art, and the success accorded it by the trade, a construction of sufficient breadth as to include defendant's structure is warranted. The claims being valid and infringement shown, a decree may be entered in the usual form for an injunction and accounting.

SEEBERGER v. RENO INCLINED ELEVATOR CO.

(Circuit Court, S. D. New York. December 1, 1905.)

PATENTS—INFRINGEMENT—STAIRWAY.

The Wheeler patent, No. 479,864 for a stairway, construed, and held not anticipated, valid, and infringed as to claims 6 and 10, and not infringed as to claims 7, 11, and 12.

In Equity. Suit for infringement of letters patent, No. 479,864, for a stairway granted to George A. Wheeler, August 2, 1872. On final hearing.

Harold Binney, for complainant.

Redding, Kiddle & Greeley, for defendant.

WALLACE, Circuit Judge. Upon the argument of this cause it was decided that claims 7 and 12 of the complainant's patent had not been infringed by the defendant, and decision was reserved upon the questions of the validity and infringement of claims 6, 10, and 11. The 11th claim is limited by its terms to the hand-rail described in the patent (which is an endless band, preferably made hollow and cylindrical) "in combination with guards overlapping the same." These guards are flexible flaps which rest loosely upon the belt to protect the fingers from a squeezing contact at the posts, *r.* The defendant's hand-rail is made in short sections or joints which together form an endless band, but it does not require guards, and does not have them, or any equivalent for them. For this reason, if for no others, the claim is not infringed.

The two claims which remain to be considered are expressed in very broad terms, but require limitations to be read into them by implication, besides those required by their terms. The "elevator" of the claims is not necessarily any kind of an elevator, or passenger elevator, but the term may and should be read as enumerating a stairway passenger elevator. It is only in this type of elevator that there is any occasion for the use of a hand-rail; and the improvements which are generally the subject of the patent are in passenger elevators "which will afford a stairway for travel" as well as a continuously movable elevator. Treating the claims as specifying such an elevator, they are to be further limited so as to embrace such an elevator

NEXT ITEM

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PART 1:
BOOKS; DRAMATIC COMPOSITIONS;
MAPS AND CHARTS;
INDEX

NEW SERIES, VOLUME 1, JULY-DECEMBER, 1906

No. 14

October 4, 1906

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1906

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Barrington (Ethel).

When Annie played gooseberry. 5980

Homer Sprague, New York, N. Y. A 156919, Oct. 1, 1906; 2 c. Oct. 1, 1906.

Bartlett (Alfred). 4 titles, each one card 3½ by 5½ inches. 5981

God keep you. A 159286, Oct. 29, 1906. 2 c. Oct. 29, 1906.

Human touch. A 159288, Oct. 29, 1906. 2 c. Oct. 29, 1906.

Mizpah. A 159287, Oct. 29, 1906. 2 c. Oct. 29, 1906.

To my friend. A 159285, Oct. 29, 1906. 2 c. Oct. 29, 1906.

A. Bartlett, Boston, Mass.

Bates machine co.

Modern systems. Numbering, dating, perforating. Advanced methods. 57 p. illus. 8° 5982

Edwin G. Bates, New York, N. Y. A 154740, Sept. 5, 1906; 2 c. Sept. 5, 1906.

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Glenn L. Saxton, Minneapolis, Minn. A 159728, Nov. 3, 1906; 2 c. Nov. 3, 1906.

Beggs (James) & co.

Engines and boilers, machinery tools and supplies. 974 p. illus. f° 5984

J. Beggs & co., New York, N. Y. A 153581, Aug. 20, 1906; 2 c. Oct. 12, 1906.

Beginning again. In Daily news, Chicago, Oct. 20, 1906. 5985

W. Werner, Chicago, Ill. A 157960, Oct. 13, 1906; 2 c. Oct. 22, 1906.

Bell (Wm. G.) company.

Bell's spiced seasoning recipes. folder, illus. 16° 5986

W. G. Bell co., Boston, Mass. A 157165, Oct. 5, 1906; 2 c. Oct. 5, 1906.

Bell telephone co. of Buffalo.

Classified business directory. Oct. 1, 1906. 290 p. 4° 5987

Bell telephone co. of Buffalo, Buffalo, N. Y. A 157244, Oct. 6, 1906; 2 c. Oct. 6, 1906.

Benignus (Wilhelm).

In der Lederstrumpfgegend in den Hofen. 5988

W. Benignus, Atlantic City, N. J. A 153658, Aug. 21, 1906; 2 c. Oct. 19, 1906.

Berry (M. R.)

Berry horse power graphical calculator. card, 11¼ by 11¼ in. 5989

M. R. Berry, Atlanta, Ga. A 156112, Aug. 6, 1906; 2 c. Sept. 7, 1906.

Birchall (Sara H.)

Once-upon-a-time leaflets. no. 1. The Indians. 4 p. illus. 12° 5990

Atkinson, Mentzer & Grover, Chicago, Ill. A 159612, Nov. 2, 1906; 2 c. Nov. 2, 1906.

Bond (A. Russell).

How to light the Christmas tree with electricity. 5991

A. R. Bond, Plainfield, N. J. A 159418, Oct. 30, 1906; 2 c. Oct. 30, 1906.

Borderland. card, 9 by 7 inches. 5992

Anne Abbott, Boston, Mass. A 160003, Nov. 6, 1906; 2 c. Nov. 6, 1906.

Boston national banks. Nov. 1, 1906. 5993

sheet, 12 by 9¼ inches.

A. B. Turner & co., Boston, Mass. A 159570, Nov. 1, 1906; 2 c. Nov. 1, 1906.

Botanical supplies and scientific slides, 1906. 28 p. illus. 8° 5994

Cambridge botanical supply co., Belmont, Mass. A 156254, Sept. 24, 1906; 2 c. Sept. 24, 1906.

Bowery boy library. 4 titles, each. 4° 5995

no. 51. A 156401, Sept. 25, 1906; 2 c. Oct. 8, 1906.

no. 52. A 156978, Oct. 2, 1906. 2 c. Oct. 9, 1906.

no. 53. A 157565, Oct. 9, 1906. 2 c. Oct. 16, 1906.

no. 54. A 158194, Oct. 16, 1906. 2 c. Oct. 23, 1906.

Winner library co., New York, N. Y.

Bratton (Bess M.)

Work and lay by. 5996

B. M. Bratton, Detroit. A 159626, Nov. 2, 1906; 2 c. Nov. 2, 1906.

Brave and bold. 6 titles, each 4°. 5997

no. 198. A 155876, Sept. 18, 1906. 2 c. Oct. 2, 1906.

no. 199. A 156407, Sept. 25, 1906. 2 c. Oct. 10, 1906.

no. 200. A 156984, Oct. 2, 1906. 2 c. Oct. 17, 1906.

no. 201. A 157563, Oct. 9, 1906. 2 c. Oct. 23, 1906.

no. 202. A 158192, Oct. 16, 1906. 2 c. Oct. 31, 1906.

no. 203. A 158779, Oct. 23, 1906. 2 c. Nov. 6, 1906.

Street & Smith, New York, N. Y.

Bray (Mary).

Caused by a kiss. 5998

Mary McKean, New York, N. Y. A 157465, Oct. 8, 1906; 2 c. Oct. 8, 1906.

Brooks knock-down furniture co. 8 titles. 5999

Catalogue no. 1. 24 p. illus. obl. 16° A 155140, Aug. 22, 1906. 2 c. Aug. 22, 1906.

Instructions for buffet no. 700. sheet, 16 by 8 inches. A 157439, Oct. 8, 1906. 2 c. Oct. 8, 1906.

— celerette no. 401. sheet, 13 by 8¼ inches. A 157412, Oct. 8, 1906. 2 c. Oct. 8, 1906.

— chairs, 7, 8 & 9. sheet, 11 by 9 inches. A 157074, Oct. 3, 1906. 2 c. Oct. 3, 1906.

— chairs, 12 & 13. sheet, 9 by 9 inches. A 157075, Oct. 3, 1906. 2 c. Oct. 3, 1906.

NEXT ITEM

The agency was to be for two years with the option for either party to determine it at the end of the first year. The agency was in fact carried on at No. 2, Cooper Street, Manchester, and 63, Chancery Lane, London, for the two years provided by the agreement and it continued after that period had expired. 40 While it was still continuing Mr. *Bates* died. This was in June of 1907. At the time of his death negotiations for a new agency agreement were in contemplation and it had been agreed that the arrangement come to in 1904 should continue in force until a new agreement should be made.

45 Disputes had arisen between Mr. *Knott* and Mr. *Davis*. Mr. *Davis* had

NEXT ITEM

Edison Ore Milling Co.
TELEPHONE 5315 HECOTON

WARREN WRIGHT
ATTORNEY AND COUNSELLOR AT LAW
SOLICITOR OF PATENTS

NO. 2 HECOTON STREET,
UNITED STATES EXPRESS BUILDING

NEW YORK August 12/1907.

*Answered
Aug 21-1907*

Edison Ore Milling Co.,
Edison Laboratories,
Orange, N. J.

Gentlemen:-

As attorney for the estate of Edwin G. Bates, who held ten shares of your stock, I write to ask what is the market value of this stock, and also if you will make an offer for its purchase. Mr. Bates mother is the beneficiary under the will and in order that the stock may be transferred to her, I would also be pleased to have you inform me of where the transfer office is, of this Company.

Truly yours,

(B.M.)

Warren Wright.

*Transferred by Farmers
& Loan and Trust Co.*

Stock has no value

*Company had no assets
but debts.*

Charter has expired

*Tell him this
WCH*

NEXT ITEM

supplied bore the name of the *Bates Machine Company* of New York. The parties carried on under this agreement for some considerable time with this exception, that the name of the *Bates Machine Company* was altered to the *Bates Numbering Machine Company*. During the whole of this period the *Bates Machine Company* was registered in this country under Section 274 of the Companies (Consolidation) Act, 1908. On the 23rd of April, 1910, Mr. *Hice* and Mr. *Roberts* caused a new Company to be incorporated in the State of New

NEXT ITEM

SYSTEM

MAGAZINE OF BUSINESS

EDITED by A. W. SHAW



SYSTEM

EDITED BY A. W. SHAW

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Draw Your Own Conclusions

OUR competitor, the Bates Manufacturing Company, desires us to make strenuous efforts to avoid confusion of our product with theirs.

We therefore desire to call special attention to the fact that the machines made and sold by *the Bates Machine Company, are not those made by the Bates Manufacturing Company.*



123456

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Model 49a

is the best Numbering Machine of its kind made. The frame is made of the best drawn steel, thereby securing strength with little weight. The wheels are made of a tough "nickel-bronze" metal of extraordinary durability. And the finely proportioned figures are engraved, not cast, as in inferior machines. The machine is self-inking.

It numbers automatically from 1 to 999,999 consecutively, and has also the duplicate and repeat actions. It weighs but 12 ounces, operates rapidly, noiselessly, surely.

Be sure and order by **Model Number** then see that you get what you ask for. Don't let anyone hand you a "lemon."

Price, \$5.00

The Bates Manufacturing Company was the first company organized by Edwin G. Bates, the inventor, designer and patentee of the Bates Machines for numbering. Mr. Bates subsequently left that company and organized the Bates Machine Company which company alone is the owner of all the later patents and improvements of Mr. Bates.

The Bates Manufacturing Company began to advertise and for many years exclusively advertised numbering machines by the trade name "Bates Numbering Machines." The machines so made and advertised, however, are made under the rights procured by that company in Bates' older patents, which have now practically all expired.

We alone manufacture the New and Improved Machines under the later Bates patents. We have a new modern factory and our output of machines is ten times as great as that of the Bates Manufacturing Company.

We sell a newer and far better Numbering Machine for one-third the price that the Bates Manufacturing Company ask. And we make more money out of the business, at that.

So be sure you don't buy the old-fashioned machines at three times the cost from our friends. Buy the new up-to-date and very much better numbering machine which we alone have the right to make and sell.

Our machines are carried in stock and are for sale by Stationers and Stamp Dealers everywhere.

A written guarantee is given with every machine we sell and you can have

**Your Money Back if You
Want It.**



AUG 22 1907

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is a Dating Machine made in the same style as the Numbering Machine. It is automatic, self-inking. It prints the day, the month and the year and is advanced from one date to the next by a simple lever. You don't have to touch the wheels. A handy little machine for your office, equipped with dates for the next fourteen years incomparably better than the rubber dating-stamp.

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Don't Be Humbugged!

ONE of our competitors, the Bates Manufacturing Company, is evidently in desperate straits and has been making a great hullabaloo over our use of the words *Bates Numbering Machine Company* as our corporate name, and from our using the expression *Bates Numbering Machine* in connection with the sales of automatic hand numbering machines of our manufacture. Here are the facts in the case.

The Bates Manufacturing Company was the first company organized by Edwin G. Bates, the inventor, designer and patentee of the Bates machines for numbering. Mr. Bates left that company 14 years ago and organized *The Bates Machine Company*, which company alone is the owner of all the later patents and improvements of Mr. Bates.

The machines made by the Bates Manufacturing Company, on the other hand, are the crude, old-fashioned devices made under Bates' older patents, which have long since expired.

We alone manufacture the new and improved machines under the later Bates patents. We have a new modern factory and our output of machines is ten times as great as that of the Bates Manufacturing Company.

You can obtain from us or one of our 5000 dealers a newer and far better Numbering Machine for one-third the price that the Bates Manufacturing Company asks.

At various times in the past, the Bates Manufacturing Company have attempted to restrain us from using the words *The Bates Machine Company* as our corporate name, but in every case the courts have decided against them.

About Our Name

There is a boiler manufacturer in New York known as the Bates Machine Company. In order to avoid confusion of our business with theirs, and at the same time have our name indicate the business we were engaged in, we had the word *Numbering* injected into our corporate name last January. The Bates Manufacturing Company at once proceeded to rehash an old chestnut and succeeded in securing a *temporary* injunction restraining us from using the word *Numbering* in our corporate name and from using the expression *Bates Numbering Machine* in connection with the sale of automatic hand numbering machines of our manufacturer.

The End is Not Yet

Please observe, however, that this is only a *temporary* injunction and that it restrains only *us*. The order of the Court can in no way be made to apply to anyone but ourselves, but to set any dealer's mind at ease who may have received one of the misleading circulars which the Bates Manufacturing Company have circulated, evidently with the intention of intimidating dealers,

we hereby unqualifiedly and un-
reservedly guarantee to protect
any dealer from loss or damage
due to selling or offering for sale
any of the machines of our manu-
facture.

Dealers need not hesitate about disposing of any machines on hand, or from continuing to order machines from us. Remember, *the temporary injunction applies only to us*, and that we will protect you in every way.

We have complied with the Court's order by simply dropping the word *Numbering* from the name, thus going back to the old name we were known by previous to last January. All the machines that we are now making, bear the revised name *Bates Machine Company*.

Get The Best

Before buying Numbering Machines, please remember that there has been progress made in this field in recent years as in other lines, and the Numbering Machine of 19 years ago compares with the new up-to-date machines of to-day just about as horse cars compare with the modern subway. So don't get "stung" by purchasing one of the clumsy devices of 19 years ago at three times the cost of the down-to-the-minute models which we alone make and sell.

Try a Machine At Our Expense

Model 49^A here shown is the best Numbering Machine of its kind made. It numbers consecutively, duplicates and repeats. Capacity 1 to 999,999 automatically. It weighs but 12 ounces, operates rapidly, noiselessly, surely and will last for years.

You can have one on ten days free trial, without obligating yourself in any way. Write us on your firm letterhead mentioning your nearest stationer or stamp dealer and we will see that a machine is delivered to you at once, all charges prepaid. You can then try it out in your own way—put it to any test—compare it with others. If at the end of the trial period you feel that our machine is just what you want, it will cost you only \$5.00. Should the machine fail to make good, or prove the least bit unsatisfactory, simply return it.

The test costs you nothing, may make you much.

To-day is the best time to get a machine.



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123456

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NEXT ITEM

The Roberts Numbering Machine Co. v. Davis

In the present case it is admitted that the Plaintiff Company has never carried on business in this country nor has it ever had any agency here in the strict sense.

5 In order to succeed in this action, so far as it seeks to restrain the user by the Defendant of the name of *The Roberts Numbering Machine Company*, the Plaintiff Company must satisfy the Court that its goods are known in this country under that name and that the Defendant is by the use of the name complained of likely to induce the belief that his business is that of the Plaintiff Company or in some way connected with it.

10 The Defendant says that the Plaintiff Company's name is not distinctive of its goods in this country and that in the particular circumstances of this case the Plaintiff Company is not entitled to complain of the user by him of the name *Roberts Numbering Machine Company*. It is therefore necessary to consider the facts with regard to the importation of the Plaintiff Company's goods
15 into this country and the trade in those goods here and also the circumstances under which the Defendant Company has used the name.

In 1904 there were two Companies in existence in the United States of America which had been incorporated in the State of New York by an inventor named *Bates*—one was called the *Bates Manufacturing Company* and the other
20 the *Bates Machine Company*. The *Bates Machine Company* apparently manufactured both hand numbering and typographical numbering machines, in accordance with certain Letters Patent owned by that Company. It manufactured those machines and carried on its business at works situate in Jamaica Avenue, Brooklyn, New York. Some of these machines were imported to this
25 country and were put on the market through the agency of a man named *Knott*. In 1904 *Knott* and the Defendant entered into a partnership for the purpose of acting as agents for the *Bates Machine Company* in respect of its products in this country. The terms of the agency are contained in a letter dated the 1st of September, 1904, addressed to Mr. *Bates*, the president of the *Bates Machine*
30 *Company* of New York, and signed by Mr. *Knott* and the Defendant. The letter is to be found on page 10 of the agreed bundle of correspondence. The agency was to be carried on at No. 2, Cooper Street, Manchester, under the name of the *Bates Machine Company* and offices were also to be obtained in London. The goods were to be invoiced to and remain the property of the *Bates Machine*
35 *Company* until they were sold in the ordinary course of the agency business. Mr. *Davis* was to devote the whole of his time to the business of the agency. The agency was to be for two years with the option for either party to determine it at the end of the first year. The agency was in fact carried on at No. 2, Cooper Street, Manchester, and 63, Chancery Lane, London, for the two years
40 provided by the agreement and it continued after that period had expired. While it was still continuing Mr. *Bates* died. This was in June of 1907. At the time of his death negotiations for a new agency agreement were in contemplation and it had been agreed that the arrangement come to in 1904 should continue in force until a new agreement should be made.

45 Disputes had arisen between Mr. *Knott* and Mr. *Davis*. Mr. *Davis* had visited America and had arranged with a Mr. *Conrad*, the then president of the *Bates Machine Company*, that he would carry on the agency on terms to be agreed. After his return to this country Mr. *Roberts* and Mr. *Hice* purchased the interest of Mr. *Bates* in the *Bates Machine Company* and obtained the control of it. Mr. *Hice* came to this country and negotiated a new arrangement
50 with Mr. *Davis*.

The Roberts Numbering Machine Co. v. Davis

There is no written record of this arrangement. There is however no dispute as to its terms except on one point. Mr. Davis was no longer to be the agent of the *Bates Machine Company* in the strict sense of the word but was to purchase for his own account under agreed discounts the numbering machines of the *Bates Machine Company*. He was at liberty to resell them on such terms as he should think fit. He was to carry on the business of selling numbering machines under the name of the *Bates Machine Company* and to advertise that Company's machines. Except that the machines were to be purchased by Mr. Davis there was no substantial difference between the new arrangement and the old. The *Bates Machine Company* provided Mr. Davis with stationery and the catalogues and circulars describing the Company's products. Mr. Hice says it was a definite term of the agreement that Mr. Davis would not handle or sell the numbering machines of any other make than those of the *Bates Machine Company*. Mr. Davis says he has no recollection of any terms being mentioned but he said in his examination in chief: "Broadly speaking, it was that I was to "carry on the business as hitherto"—that is as he was carrying it on under the old arrangement in 1904—"but with the exception that they"—that is the *Bates Company*—"wanted to get away from the arrangement of an agent. They "wanted me to buy the goods outright and to take over the existing stock of "machines which was at that time in this country." [After further referring to the evidence the learned Judge continued as follows.] Having considered the evidence of Mr. Hice and Mr. Davis I have no hesitation in holding that there was in 1908 a definite agreement that Mr. Davis would not handle or sell numbering machines of any other firm than those of the *Bates Machine Company*; indeed, such an agreement seems to be implicit in the term that Mr. Davis should devote the whole of his time to the business of selling the Company's machines.

After the Agreement was entered into the *Bates Machine Company* supplied Mr. Davis with all the numbering machines he required. All these machines bore the name of the *Bates Machine Company* and the address of its factory in Jamaica Avenue, Brooklyn. The stationery supplied by the *Bates Machine Company* and used by Mr. Davis in his business was similar to that on which was written the original of the letter appearing on page 39 of the agreed bundle of correspondence, except that the name of Mr. Davis appeared in the place where the name of Mr. Knott had appeared. The paper has upon it the heading "The Bates Machine Company of New York, makers of numbering and perforating machines", with the names of the president, treasurer and secretary above it, the branch office, 2, Cooper Street, and the name of Mr. Davis as manager. Then there is a picture of the factory in Jamaica Avenue, Brooklyn, which is described as the largest factory in the world devoted exclusively to the manufacture of numbering and perforating machines. On the other side there is a picture of Model No. 27 of the *Bates Machine Company's* typographical numbering machine, and under that appears, branches, London, including 63 and 64, Chancery Lane, and other branches in Chicago. The circulars and folders supplied bore the name of the *Bates Machine Company* of New York. The parties carried on under this agreement for some considerable time with this exception, that the name of the *Bates Machine Company* was altered to the *Bates Numbering Machine Company*. During the whole of this period the *Bates Machine Company* was registered in this country under Section 274 of the Companies (Consolidation) Act, 1908. On the 23rd of April, 1910, Mr. Hice and Mr. Roberts caused a new Company to be incorporated in the State of New

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York, under the name of *The Roberts Numbering Machine Company Incorporated*. It undoubtedly took over the business of the *Bates Numbering Machine Company* and carried on the business of making and selling numbering machines at the same factory in Jamaica Avenue, Brooklyn, as had formerly
 5 been occupied by the *Bates Machine Company*. How the business of the *Bates Numbering Machine Company*, as it was then called, was taken over by the Plaintiff Company has not transpired in the evidence before me. No agreement for its assignment by the *Bates Numbering Machine Company* to *The Roberts Numbering Machine Company Incorporated* has been produced or proved
 10 before me, but I understand that in answer to a cable sent during the course of the hearing the information is forthcoming that the assignments were in fact executed. Mr. *Davis* was, I think, in the first instance told that the *Bates Numbering Machine Company* had changed its name to that of *The Roberts Numbering Machine Company* of New York and he continued to carry on busi-
 15 ness here in the same way as before except that instead of using the name of the *Bates Numbering Machine Company* he used the name of *The Roberts Numbering Machine Company*, while the machines sold to and by him no longer bore the name of the *Bates Numbering Machine Company* but had that of *The Roberts Numbering Machine Company* stamped on them. The machines as manufactured
 20 and sold by the Plaintiff Company at this time had, as I have said, the name of *The Roberts Numbering Machine Company* stamped upon them with the address "Brooklyn, New York", and under that "London and Manchester, England". The machines also bear on the other side the statement that the machine is patented in the United States and Europe and that it is made
 25 in the United States of America. The stationery also was altered. An example of the new stationery is to be found on the original letter appearing on page 48 of the agreed bundle of correspondence. The heading has the names of Mr. *Roberts* and Mr. *Hice* as president and treasurer respectively. In the middle of the paper is the heading "*The Roberts Numbering Machine Company* of New
 30 "York. Successors to the *Bates Machine Company*. Numbering, perforating "and dating machines". Immediately under it is "Branch Office, 2, Cooper "Street, R. A. *Davis*, Manager". On the right-hand side there is a picture of the factory at Jamaica Avenue, Brooklyn, and underneath that the situation of various branches which include London, England, 63 and 64, Chancery Lane.
 35 On the left-hand side of the paper are illustrations of a number of the machines made by the Plaintiff Company. The question arose shortly after this as to the necessity of registering the name of *The Roberts Numbering Machine Company* in this country and the Certificate of Incorporation of *The Roberts Numbering Machine Company Incorporated* was sent to Mr. *Davis* who took it to his
 40 solicitors. They appear to have pointed out to him that *The Roberts Numbering Machine Company* was a new Company and was not the old *Bates Numbering Machine Company* under a new name. There was considerable correspondence with regard to this in the course of which it was made clear to Mr. *Davis* that *The Roberts Numbering Machine Company* intended to trade under that name
 45 and not under the name of the *Bates Numbering Machine Company* in all countries. It was finally determined that the new Company should not be registered here, but from 1910 Mr. *Davis's* business was carried on here under the name of *The Roberts Numbering Machine Company* of New York. All the machines, as I have said, received by him from the American Company had
 50 stamped on them the name and address of the Plaintiff Company and the stationery used was similar to that to which I have last referred.

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Obviously as the result of this practice the Plaintiff Company's name could not fail to become identified here as the manufacturers of the machines sold by Mr. *Davis*, and although there has been little direct parol evidence directed to this point I have no hesitation in holding that as the result of this practice the Plaintiff Company acquired a sufficient reputation for its machines, which admittedly were sold in large numbers in this country, to entitle it in ordinary circumstances to seek the protection of the Court here for its name on grounds similar to those laid down in the *Panhard & Levassor* case, to which I have already referred. Pausing here, and apart from certain matters to which I propose to call attention later, I think the position between Mr. *Davis* and the Plaintiff Company at this time with regard to the user by Mr. *Davis* of the name "*Roberts Numbering Machine Company*" was that Mr. *Davis*, during the continuation of his agreement with the Plaintiff Company, had a licence to use it conferred on him by the Plaintiff Company and that that licence was revocable by the Plaintiff Company if and when the agreement terminated. The case up to this point bears a strong similarity in many respects to that of *J. H. Coles Proprietary Ltd. v. Need*, which came before the Privy Council in the year 1933 on appeal from the Supreme Court of Australia (L.R. (1934) A.C. 82*). The facts of that case are set out in detail in the report of the hearing before the High Court of Australia in the 46th Commonwealth Reports at page 407.

After the incorporation of the Plaintiff Company and the decision not to register the Company here, Mr. *Davis* continued to carry on business with the Plaintiff Company on precisely the same lines as he had previously carried on with the *Bates Numbering Machine Company* for a considerable time, but after the passing of the Registration of Business Names Act of 1916 Mr. *Davis* notified the Plaintiff Company that he had been compelled to register himself as proprietor of *The Roberts Numbering Machine Company*. He announced that fact by a letter dated the 13th of March, 1917, addressed to the Plaintiff Company at their New York address in which he said: "Under the new Act, which has just come into force in this country, I have been compelled to register myself as the proprietor of *The Roberts Numbering Machine Company* as far as this country is concerned, and the name has to be given on all letter-heads, invoices, circulars, etc.". From that time onwards the stationery of the Company was again changed and I think an example of that subsequently used is to be found on page 99 of the agreed bundle of correspondence. The paper is headed "*The Roberts Numbering Machine Company. Successors to the Bates Machine Company. All classes of hand numbering and dating machines, also typographical machines. 2, Cooper Street, Manchester*", and the name "*R. A. Davis*" appears in the middle. There is no reference on that paper to the Plaintiff Company or its New York address or anyone connected with it. Apart from this, however, the relationship between Mr. *Davis* and the Plaintiff Company remained unaltered. Mr. *Davis* still continued to advertise the goods of the Plaintiff Company without mentioning his own name and the goods sold by him still bore the name and address of the Plaintiff Company.

The business increased until in 1921 the volume of business done by Mr. *Davis* with the Plaintiff Company reached the peak figure of over 40,000 dollars, this being the net sum paid by Mr. *Davis* to the Plaintiff Company in respect of that year after allowing the agreed discounts. After 1921 however the business

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decreased and dwindled rapidly until in 1927 the sum paid by Mr. *Davis* to the Plaintiff Company for the Plaintiff's machines purchased by him after allowing the agreed discounts only amounted to 7,500 dollars. Not unnaturally the Plaintiff Company appear to have been concerned at the falling off and consulted

5 Mr. *Davis* with regard to it. He put forward various explanations, the chief being that owing to the competition of British-made machines, the difficulties arising from exchange and from tariffs it was impossible for him to sell the Plaintiff Company's products in this country at a profit to himself. There was with regard to these matters considerable correspondence which, so far as the

10 claim by the Defendant to use the Plaintiff Company's name, is not material. On this point it is sufficient to say that the agreement between the Plaintiff Company and the Defendant for the marketing of the Plaintiff Company's goods in this country was terminated by the Plaintiff Company on the 6th of December, 1933. After the termination of the agreement Mr. *Davis* continued to use

15 the name *Roberts Numbering Machine Company* as his trade name and claimed the right to do so notwithstanding objections of the Plaintiff Company. He arranged for the manufacture of the necessary machines in this country and had the name of *The Roberts Numbering Machine Company* stamped upon them. Except that the machines omit any reference to the American address of the

20 Plaintiff Company and have stamped on each of them the words "British made", the typographical numbering machines sold by the Defendant are to the eye exactly like those sold by the Plaintiff Company. In the result this action was instituted on the 22nd of March, 1935.

On the facts stated it seems to me that apart from any other consideration the

25 Plaintiff Company's name has a sufficient reputation in this country to entitle the Court to afford it the same protection as if it had carried on its business here during the whole of the period from its incorporation in 1910 until the issue of the writ in this action.

But it is argued on behalf of the Defendant that the Plaintiff Company is

30 precluded from objecting to the use of its name by reason of what happened with regard to the question of the registration of the Company here under the Companies Acts and the registration of the name *Roberts Numbering Machine Company* as the trade name of the Defendant under the Registration of Business Names Act, 1916.

The facts with regard to the registration of the Company appear from the

35 correspondence which took place from 1911 to 1915 between the Plaintiff Company, the Defendant and Messrs. *Smith, Youatt & Smith*, the solicitors whose advice was sought in this country. The Plaintiff Company was in fact registered here by Mr. *Steel* who was carrying on the Continental agency of the Plaintiff

40 Company from No. 63, Chancery Lane. This registration had nothing to do with the business carried on by the Defendant either in Manchester or at 63-64, Chancery Lane, and so far as the Defendant is concerned the Plaintiff Company appears to have acquiesced in his carrying on his business under the name of *The Roberts Numbering Machine Company*.

In 1917 the Defendant informed the Plaintiff Company that it was essential

45 for him to register himself as carrying on business under the name of *The Roberts Numbering Machine Company* under the Registration of Business Names Act, 1916. In my opinion nothing which happened either with regard to the non-registration of the Plaintiff Company under the Companies Act, 1908, or

50 with regard to the registration of the Defendant under the Act of 1916 affected the position that the Defendant was using the name in question under a

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revocable licence from the Plaintiff Company and that on the termination of the agreement under which the Defendant purchased and sold the Plaintiff Company's machines here the Plaintiff Company was entitled to revoke that licence and did so on the 6th of December, 1933. In the result I think the case is governed by the decision of the Privy Council in *J. H. Coles Ltd. v. Need* to which I have already referred. On this branch of the case I think the Plaintiff Company is entitled to an injunction restraining the Defendant from using the name of *The Roberts Numbering Machine Company* or any other name so similar to it as to be calculated to cause the belief that the Defendant's business is a branch of or in any way connected with the business of the Plaintiff Company. 5 10

This leaves for determination the second point in the case, namely, whether the Plaintiff Company is entitled to recover damages against the Defendant on the footing that there is an enforceable agreement between the Plaintiff Company and the Defendant under which the Defendant was bound not to sell numbering machines other than those obtained through the Plaintiff Company. 15

[The learned Judge then dealt with the evidence on this part of the case and held that the Defendant's relationship with the Plaintiff Company was regulated by all the terms of the 1908 agreement entered into between the *Bates Numbering Machine Company* and the Defendant including the term that the Defendant would not during the existence of his relationship deal with the numbering machines of any rival manufacturers and that he had done so whilst a partner in a firm of *Lethaby & Company*.] 20

I am satisfied that the Defendant has committed breaches of this agreement, at any rate since 1922, and I hold that the Plaintiff Company is entitled to recover such damages as have been directly suffered by it by reason of those breaches. 25

I accordingly direct an inquiry as to the damages directly suffered by the Plaintiff Company by reason of the sales by the Defendant of numbering machines manufactured by persons or corporations other than the Plaintiff Company during the existence of the business relationship between the Plaintiff Company and the Defendant from the foundation of the firm of *Lethaby & Company* until the termination of the relationship on the 6th of December, 1933. 30

The Defendant must pay the costs of the action down to and including this order and the costs of the inquiry will be reserved. 35

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